

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
DUBLIN DIVISION

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

2012 OCT 26 PM 4:25

CLERK
SO. DIST. OF GA.

ANTHONY JONES, JR.,

Petitioner,

v.

FNU THOMPSON, Sergeant, and SAM
OLENS, Attorney General of the State of
Georgia,

Respondents.

CV 312-070

ORDER

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which objections have been filed (doc. no. 4).¹ Accordingly, the Report and Recommendation of the Magistrate Judge is **ADOPTED** as the opinion of the Court. Therefore, the instant petition filed pursuant to 28 U.S.C. § 2254 is **DISMISSED** without prejudice.

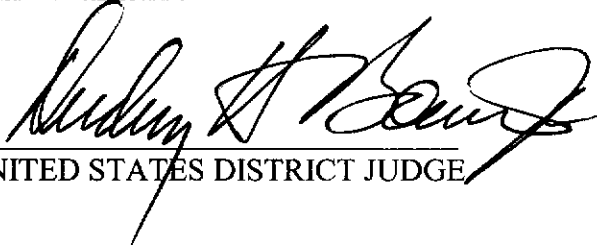
The Court is aware that it "must issue or deny a certificate of appealability when it

¹Although not clearly presented as such, the Court liberally construes Petitioner's filing as objections. While this document makes vague references to the Report and Recommendation ("R&R"), it in no way calls into question the analysis set forth in the R&R – that Petitioner failed to pay the \$5.00 filing fee or submit a motion to proceed *in forma pauperis* – or otherwise suggests that Petitioner has a valid request for any type of Court action. Also included with Petitioner's objections was a document titled "Probable Cause Order." (See doc. no. 4, p. 2.) Though it is not entirely clear, Petitioner appears to request a hearing involving alleged violations of his rights by officials at Augusta State Medical Prison. In any event, as this case is now closed, Petitioner's request is moot.

enters a final order adverse to the applicant" on a § 2254 petition. Rule 11(a) to the Rules Governing Section 2254 Proceedings. As the Magistrate Judge noted, while the instant petition was filed pursuant to § 2254, Petitioner appeared to be contesting the disciplinary process at Augusta State Medical Prison rather than the validity of his underlying conviction. (Doc. no. 4, p. 1 n.1.) Regardless of the relief sought by Petitioner, however, he still failed to follow the Court's instructions that he was required to either pay the \$5.00 filing fee or submit a motion to proceed *in forma pauperis* in order to proceed in this case. Accordingly, the Court declines to issue or deny a certificate of appealability in this case at this time.

Upon the foregoing, this civil action shall be **CLOSED**.

SO ORDERED this 26th day of October, 2012, at Augusta, Georgia.


UNITED STATES DISTRICT JUDGE